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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/328,931 06/09/99 MORRIS

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EXAMINER

VERDIER, C

ART UNIT

PAPER NUMBER

3745

DATE MAILED:

01/18/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/328,931

Applicant(s)
Morris

Examiner
Christopher Verdier

Group Art Unit
3745



☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1 and 2 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1 and 2 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on Jun 9, 1999 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3745

Continued Prosecution Application

The request filed on October 11, 2000 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/328,931 is acceptable and a CPA has been established. An action on the CPA follows.

Drawings

The drawings are objected to because figures 1-12 are replete with elements that are shown in cross section which must be indicated by hatching. Correction is required.

Specification

The abstract of the disclosure is objected to because it contains the term "is disclosed" (line 7) which is implied and should be deleted. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 3745

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Wallace (figure 2).

Note the helicopter blade assembly 17 permitting rapid forward flight with separate means 13 for providing a forward impetus, the substantially vertical mast 35, and rotatable blades 18 which sweep out the shape of a virtual disk having the properties of a lifting body when rapidly rotated by the mast so that as the disk is pushed translationally through the air, it generates lift.

Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Wilford (figure 5).

Note the helicopter blade assembly 5 permitting rapid forward flight with separate means 3 for providing a forward impetus, the substantially vertical mast (unnumbered, near 4), and rotatable blades 10/11 which sweep out the shape of a virtual disk having the properties of a lifting body when rapidly rotated by the mast so that as the disk is pushed translationally through the air, it generates lift. Note the means for controlling the camber 15.

Claims 1-2 are also rejected under 35 U.S.C. 102(b) as being anticipated by Kingsbury (figures 2-3). Note the helicopter blade assembly (unnumbered) permitting rapid forward flight, the substantially vertical mast 1, and rotatable blades 16, 17 which sweep out the shape of a virtual disk having the properties of a lifting body when rapidly rotated by the mast so that as the disk is pushed translationally through the air, it generates lift. Note the means for controlling the camber 5/20.

Art Unit: 3745

Claim 1 is also rejected under 35 U.S.C. 102(b) as being anticipated by Hartt (figure 2). Note the helicopter blade assembly 46 permitting rapid forward flight with separate means 36 for providing a forward impetus, the substantially vertical mast 26, and rotatable blades 46 which sweep out the shape of a virtual disk having the properties of a lifting body when rapidly rotated by the mast so that as the disk is pushed translationally through the air, it generates lift.

Claims 1-2 are also rejected under 35 U.S.C. 102(b) as being anticipated by Bennie. Note the helicopter blade assembly near 41, 42 permitting rapid forward flight, the mast 60 which is considered to be "substantially vertical" because it extends mainly in a vertical direction, and rotatable blades 41, 42 which sweep out the shape of a virtual disk having the properties of a lifting body when rapidly rotated by the mast so that as the disk is pushed translationally through the air, it generates lift. Note the means 58 for controlling the aerodynamic warping of the blades, which is equivalent to controlling the camber.

Claim 1 is also rejected under 35 U.S.C. 102(b) as being anticipated by Black (figures 1-2 and 4). Note the helicopter blade assembly 12 permitting rapid forward flight with separate means 22 for providing a forward impetus, the substantially vertical mast near 86, and rotatable blades 40, 44 which sweep out the shape of a virtual disk having the properties of a lifting body when rapidly rotated by the mast so that as the disk is pushed translationally through the air, it generates lift.

Art Unit: 3745

Claim 1 is also rejected under 35 U.S.C. 102(b) as being anticipated by Kunz (figure 1). Note the helicopter blade assembly 10 permitting rapid forward flight with separate means 62 for providing a forward impetus, the substantially vertical mast near 32, and rotatable blades 38/42 which sweep out the shape of a virtual disk having the properties of a lifting body when rapidly rotated by the mast so that as the disk is pushed translationally through the air, it generates lift.

Terminal Disclaimer

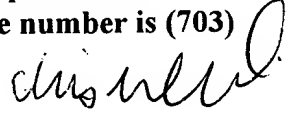
The terminal disclaimer filed on March 6, 2000 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent 5,931,639 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Verdier whose telephone number is (703) 308-2638. The examiner can normally be reached on Monday-Friday from 9:00 a.m. to 5:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look, can be reached on (703) 308-1044. The fax phone number for this Group is (703) 305-3588.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0861.

CV
January 13, 2001


Christopher Verdier
Primary Examiner
Art Unit 3745